19

Police Force (Ireland) Bill.

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Dublin Carriage Licences not to be charged on Country Carts; 17.

[Bill 135.]

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(Ireland.)

A

BILL

TO

Make better Provision for the Police Force in Dublin and other Towns in Ireland.

Preamble.

Recital of Constabulary Acts.

WHEREAS several Acts of Parliament, herein-after called the Constabulary (Ireland) Acts, have been from Time to Time passed, and are now in force, to consolidate and amend the Laws relating to the Constabulary Force in Ireland, that is to say, an Act of the Sixth Year of the Reign of King William the Fourth, Chapter Thirteen; an Act of the Second and Third Years of the Reign of the Queen, Chapter Seventy-five; an Act of the Eighth and Ninth Years of the said Reign, Chapter Forty-six; an Act of the Ninth and Tenth Years of the said Reign, Chapter Ninety-seven; an Act of the Tenth and Eleventh Years of the said Reign, Chapter One hundred; an Act of the Eleventh and Twelfth Years of the said Reign, Chapter Seventy-two; an Act of the Fourteenth and Fifteenth Years of the said Reign, Chapter Eighty-five; and an Act of the Twentieth and Twenty-first Years of the said Reign, Chapter Seventeen: And whereas the said Constabulary (Ireland) Acts extend and apply to all Parts of Ireland except the Police District of Dublin Metropolis, and it is expedient that the Application of the said Acts should be extended in the Manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

6 W. 4. c. 13.
2 & 3 Vict. c. 75.
8 & 9 Vict. c. 46.
9 & 10 Vict. c. 97.
10 & 11 Vict. c. 100.
11 & 12 Vict. c. 72.
14 & 15 Vict. c. 85.
20 & 21 Vict. c. 17.

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Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title of Act.

I. This Act may be cited for all Purposes as "The Constabulary (Ireland) Act, 1858."

Constabulary Acts to include Dublin, and to be construed with this Act as One.

II. The Constabulary (Ireland) Acts shall be held to apply to and include the County of the City of Dublin and such Parts of the County of Dublin as are now or shall be within the Police District of Dublin Metropolis, as if the said Police District had been originally included therein by Name, and the said Acts and this Act shall be construed as One Act, so far as is consistent with their Context and Objects.

Constabulary Force for Dublin Metropolis and Belfast Borough.

Limit of Force chargeable to Consolidated Fund.

Cost of Residue borne.

III. In addition to the Number of Officers and Men of the Constabulary Force in Ireland, authorized by the Constabulary (Ireland) Acts to be appointed, the Lord Lieutenant may at his own Discretion appoint, in respect of the Police District of Dublin Metropolis and of the Borough of Belfast, such a Number of Officers and Men as he may from Time to Time consider to be required: Provided, that the total Number of such additional Officers and Men which shall be wholly chargeable on any Fund which has been or may from Time to Time be provided by Parliament for such Purpose shall not in any One Year exceed the Numbers specified in the Schedule (A.) to this Act annexed; and the Pay and Expenses of the Residue of the Sub-Inspectors, Constables, and Sub-Constables to be appointed for the said Metropolitan Police District and for the said Borough respectively shall be defrayed from and out of any Funds applicable to the Support of the Police of the said Metropolitan District and the said Borough of Belfast respectively, and the Monies from Time to Time granted by Parliament for the Constabulary Force of Ireland, in the Manner and Proportions and at the Rates fixed by the said Act of the Eleventh and Twelfth Years of the Queen, Chapter Seventy-two, Section Four; and the Officers and Men so appointed shall become and be to all Intents and Purposes Part of the Constabulary Force of Ireland, subject to the like Control of the Inspector General and Provisions in respect of Distribution and Removal and Dismissal, and with the like Powers of Re-appointment in Cases of Vacancies by Death, Removal, or Resignation, and shall be charged with the like Duties, Powers, and Authorities, and shall take the same Oaths and become subject to the Deductions in respect of the Superannuation and Police Reward Funds, and to the like Penalties in all respects as the Officers and Men of the Constabulary Force.

IV. The

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IV. The Inspector General, subject to the Approval of the Lord Lieutenant, may transfer such of the Officers and Men in the present Dublin Metropolitan Force, and may receive such of the Officers and Men in the Belfast Police Force in and to the Constabulary, who shall consent to be so transferred or received, and shall appoint them to such Ranks in the Constabulary as he shall deem proper; and may appoint so many of the Officers and Men of the said Police Forces respectively in excess of the Number of Officers and Men then immediately necessary for the Constabulary Force to be Supernumeraries therein for such Time and in such Ranks as he shall think proper, until by Vacancies in the Constabulary Force there shall cease to be an Excess of the Number required; and the Officers and Men so transferred shall be entitled to reckon the Period of their previous Service in the Police of Dublin Metropolis, or Belfast, as equivalent in all respects to the same Amount of Service in the Constabulary Force: Provided, that the total Number of Officers and Men whose Expenses shall be wholly defrayed from Monies granted by Parliament shall not exceed the Number specified in the Schedule hereto annexed.

Lord Lieutenant may transfer Police to the Constabulary.

Service in the Police to reckon for the Constabulary.

V. The Lord Lieutenant, in consideration of the more onerous Duties to be discharged by the Police Force in Cities and Towns, may, if he shall so think proper, fix and appoint to be paid to each Sub-Inspector, Head and other Constable, and Sub-Constable for the Time being, employed in the Constabulary Force for the District of Dublin Metropolis, and for the Borough of Belfast, and for any other City, Borough, or Town in Ireland the Town Council or Commissioners of which shall apply for an extra Force therein, as herein-after mentioned, such further and additional Salary and Remuneration over and above the ordinary Salary and Compensation authorized to be fixed in respect of Sub-Inspectors, Head or other Constables, or Sub-Constables in the Constabulary Force generally, and may continue to such of the Officers and Men of the Police Force of Dublin Metropolis, and of any other Borough or Town as may be transferred or received into the Constabulary Force, and while employed in the said Metropolitan District or Borough or Town, the Rate of Pay and Remuneration which they shall respectively have had before such Transfer; but such extra Salary and all Excess of Remuneration over and above the Rates authorized in respect of the general Constabulary Force shall be charged wholly to the District or Place to which such Sub-Inspector, Head or other Constable, or Sub-Constable is appointed.

Extra Remuneration for Town Constabulary.

VI. From and after a Day to be fixed by the Lord Lieutenant of Ireland, and notified in the "Dublin Gazette," the Appointments and Offices of the Commissioners, Superintendents, Inspectors, Clerks, Serjeants, Chief Constables, Constables, and Sub-Constables, and of all other Persons connected with the Police Force of Dublin Metropolis

Offices in the Police to cease after a Day to be fixed.

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(except the Justices, Officers, and Clerks of the Dublin Metropolitan Police Courts) and the Police Force of the Borough of Belfast, shall cease, and they shall severally discontinue acting in such Offices, and all Houses, Outhouses, and Appurtenances, Furniture, Horses, Carriages, Vans, Arms, Accoutrements, Saddles, Bridles, Clothing, Books, Papers, and Appointments and Things whatsoever belonging to the Police of Dublin Metropolis, or rented, held, or provided for their Use, shall be applied, transferred, and employed and converted to the Use and Accommodation of the Constabulary Force so established, and the Rights, Property, and Interest therein shall immediately thereafter vest in the Receiver of the Constabulary Force of Ireland, who shall be entitled to prosecute and sue for the same in his own Name or by the Name of his Office; and if any Constable or other Person belonging to the Metropolitan Police shall not, within *One Week* after he shall cease to hold his Office, deliver over all and every the Arms, Horses, Accoutrements, Clothing, and other Appointments whatsoever which have been supplied to him for the Execution of his Office to the said Receiver, or such Person as the Inspector General shall appoint, the Person making default shall, on Conviction of such Offence, be liable to Imprisonment for any Period not exceeding *Two* Calendar Months, and to be kept to Hard Labour, as the Magistrate before whom he shall be convicted shall think proper.

Police District of Dublin Metropolis and Belfast to be in charge of Constabulary.

VII. The Police Districts of Dublin Metropolis and of the Borough of Belfast shall continue, and may be enlarged or divided when necessary, as if this Act had not passed; and from and after the Day to be fixed as aforesaid the said District and every City, Borough, and Town in Ireland shall be in the Charge of the Inspector General of the Constabulary and of the Constabulary Force exclusively so far as regards the Preservation of the Peace therein;

Duties and Powers of Police transferred to the Constabulary.

and all the Duties, Powers, and Privileges given or imposed by any Act of Parliament, general or local, to or upon the Commissioners of Police of Dublin Metropolis, or to or upon the Council of the Borough of Belfast, or to or upon any other Municipal Body in Ireland, in respect of any City, Borough, or Town, for the Government and Direction of the Police Forces therein, and for the general Discharge of all Duties therein connected with the Police Establishment and the Preservation of the Peace, shall devolve upon and be had and exercised by the Inspector General of the Constabulary, and all the Duties, Powers, and Privileges conferred or imposed on the Officers and Men of the Police Force of Dublin Metropolis and of any other City, Borough, or Town in Ireland respectively for the Preservation of the Peace shall devolve upon and be had and exercised by the Constabulary Force of such Metropolis, City, Borough, or Town; and all the Functions, Duties, Powers, and Privileges whatsoever of the said Commissioners jointly, and of any One Commissioner severally

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severally, in relation to granting of Carriage and other Licences and Matters whatsoever not otherwise disposed of and provided for, shall belong to the Inspector General of the Constabulary, or to such Person or Persons as he shall, with the Approbation of the Lord Lieutenant, in that Behalf appoint; and all such Licences as were heretofore required to be had and taken from the said Commissioners or One of them shall be required and taken from and granted by the said Inspector General or Person in that Behalf appointed, and shall have the like Effect in the like Cases as heretofore.

Office of Receiver of Dublin Police to cease, and Duties transferred to the Receiver of the Constabulary.

VIII. From and after the Day to be fixed as aforesaid, the Office of Receiver for the Metropolitan Police District shall cease, and all Monies standing to the Account of the Public Monies of the Receiver of the Metropolitan Police District, and all Stock, Bills, Notes, Government and other Securities for Money vested in such Receiver by virtue of his Office, shall vest in the Receiver for the Constabulary Force, and shall be immediately transfered to his Account, and the Receiver of the Constabulary Force shall (subject to such Regulations as the Treasurer may direct) be to all Intents and Purposes deemed the Successor in Office to the Receiver of the Dublin Metropolitan Police District, as if the last-mentioned Receiver had resigned his Office, and the Receiver for the Constabulary had been appointed in his Stead; and all the Rights, Duties, and Liabilities heretofore belonging to and discharged by the Receiver for the Metropolitan Police District shall devolve on the Receiver for the Constabulary Force in the same Manner as if they had appertained to his Office at the Time of his Appointment, and nothing herein contained shall alter or discharge the Liability or Obligation of any Surety of such Receiver: Provided that the Commissioners of the Treasury may continue the present Receiver of the Dublin Metropolitan Police Force in the Receipt of the Salary of his Office for a limited Period of Time after the Day to be fixed, as heretofore enacted, in order to enable him to close and transfer satisfactorily the Business of his Office.

Receiver may be continued for a limited Period.

Surgeon to the Dublin Police Force.

IX. The Lord Lieutenant may appoint the present Surgeon and Apothecary of the Dublin Metropolitan Police Force to be the Surgeon and Apothecary of the Constabulary for the District of Dublin Metropolis, and at their present Salaries, and may remove them, or either of them, at his Pleasure; and in case of any Vacancy of the Office by Death, Resignation, or Removal, (as well as in the event of the Lord Lieutenant not appointing the present Surgeon and Apothecary to the Constabulary Force,) the Lord Lieutenant may appoint either a Surgeon or an Assistant Surgeon, and an Apothecary, to the Force in the said District at such Salary as he may fix, subject to the Approval of the Commissioners of the Treasury.

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Compensation to Officers whose Offices are abolished.

X. The Lord Lieutenant, with the Consent of the Commissioners of the Treasury, may grant to any Commissioner of Police, Receiver, Clerk, Surgeon, or other Person belonging to the Police of the District of Dublin Metropolis, whose Office shall be abolished, cease, or become unnecessary under this Act, such an adequate Compensation, by way of yearly Allowance or other Gratuity, as he shall deem to be just; provided that the Person so to be compensated shall be qualified to receive a Retiring Allowance or Superannuation according to the Provisions for the Regulation of the Force to which he belonged if he had been removed from his Office, and that the Amount of such Compensation shall not exceed the Amount thereby prescribed, or, in case no Amount shall be fixed, shall not exceed an Amount corresponding to the Amount prescribed by the Act of the Tenth and Eleventh Years of the Reign of the Queen, Chapter One hundred, in respect of Members of the Dublin Metropolitan Police Force, for a like Period of Service; but in case the Person claiming Compensation shall have served, or been in Office, or contributed for a Time short of the actual Period required (if any) to qualify such Person to receive a Retiring Allowance, the Lord Lieutenant may notwithstanding, if he shall so think fit, grant to such Person such a Proportion of the Salary of which he shall be in receipt at the Period of his Removal, or such a Sum of Money in gross, as in the Judgment of the Lord Lieutenant, subject to the Approbation of the Treasury, shall meet the Justice of the Case; and in calculating the Period for which any Person shall have served there shall be reckoned such Time as he shall have served under any of the Acts relating to the Metropolitan Police Force or to the Constabulary Force: Provided that the Payment of any such Compensation or Allowance shall cease and be suspended while the Person to which it shall be granted shall hold any Office in the Constabulary Force, or in any Public Department, the Salary or Profits whereof shall be equal to or exceed the Amount of such Compensation or Allowance, and in case the Salary or Profits of the new Office shall be less than the Compensation or Allowance, then no more of such Compensation or Allowance shall be paid to him than so much as, with the Salary and Profits of the new Office, shall be equal to the Amount of the Salary enjoyed by such Person at the Time of his Removal from Office; and it shall be lawful for the Town Council or Commissioners of any Borough or Town to grant to any Officer or other Person belonging to the Police Force of such Borough or Town whose Office shall cease or become unnecessary by means of the Provisions of this Act such an adequate Compensation, by way of yearly Allowance or other Gratuity, as shall to them seem to be just.

Compensation in certain Cases suspended in case of Re appointment to Constabulary.

Compensation to be

XI. All Compensations and Allowances, Pensions and Gratuities, to be given or granted in respect of any Office which shall be

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be abolished or cease under this Act, (except the Office of Commissioner,) shall be wholly charged on and defrayed by the local Funds applicable to the Support of the local Police Force in the District to which the Person so compensated belonged; and nothing in this Act shall affect or alter the Payment of any Superannuation, Allowance or Pension heretofore lawfully charged on or payable by the Funds applicable to the Police Establishment in Dublin Metropolis, or in any other Borough or Town, but the same shall be paid as heretofore, and the Compensations to be granted to each of the present Commissioners of Police shall be chargeable on such Funds as Parliament shall provide for that Purpose.

defrayed from local Rates.

Previous Compensations.

XII. The several Provisions relating to the Applotment, Levy, Collection, Recovery, and Receipt of Rates applicable, wholly or in part, to the Support of the Police Establishment in the Police District of Dublin Metropolis and of the Borough of Belfast respectively, and for the Recovery and Application of Fines and Penalties and Duties on Licences in the Police District of Dublin Metropolis, and applicable to the Payment of the Expenses of the Metropolitan Police, and of the Divisional Police Courts and Offices, shall continue in force, notwithstanding the passing of this Act, and the said Rates and Monies shall be assessed and collected and disposed of in like Manner as heretofore, or as nearly so as the Circumstances of the Case will admit.

Police Rates to be collected as before.

XIII. The Receiver of the Constabulary Force shall, on or before the Day of in every Year, transmit an Account of all such Sums as are chargeable on the Borough of Belfast, in respect of the Expense of the Constabulary Force in the said Borough, to the Town Council thereof, and the said Council shall transmit each such Account to the Inspector General of the Constabulary, with such Remarks thereon as they shall think fit to be made; and the Inspector General, or, in his Absence, One of his Deputies, having ascertained the Amount of the Monies chargeable to the said Borough, shall make his Certificate under his Hand, specifying the Force or Service in respect of which such Charge shall have been incurred, and transmit the same, when approved by the Chief or Under Secretary to the Lord Lieutenant, to the Mayor, and thereupon the Town Council shall, out of the General Rates and Assessments of the said Borough, pay the Amount mentioned in such Certificate to the Paymaster of Civil Services in Ireland: The Inspector General of the Constabulary having ascertained the Amount chargeable on the Police District of Dublin Metropolis, shall make out his Certificate under his Hand, specifying the Force and Services in respect of which the Charge shall have been incurred, and transmit the same, when approved by the Chief or Under Secretary to the Lord Lieutenant,

Receiver to send Accounts chargeable.

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tenant, to the Collector General of Rates, who shall applot, levy, and collect the Money therein mentioned in the Manner and subject to the Regulations contained in the Act of the Twelfth and Thirteenth Years of the Queen, Chapter Ninety-one, as if the same were an Estimate made by the Justices of the Peace therein named, and shall pay over the Amount thereof to the Paymaster of Civil Services in Ireland.

Additional Constabulary for Boroughs and Towns.

XIV. And whereas, by an Act of the Third and Fourth Years of the Reign of the Queen, Chapter One hundred and eight, Section One hundred and twenty-one, it is enacted, that if any Council of any Borough named in the Schedule (A.) annexed to the said last-mentioned Act should memorialize the Lord Lieutenant for an additional Constabulary Force to be stationed in the Borough, the Lord Lieutenant may add to the Force of the County any such Number of Officers and Men as the Council of the Borough might require: And whereas the Payment of the Expenses of such additional Force is regulated by the Act of the Eleventh and Twelfth Years of the Queen, Chapter Seventy-two, Section Four: And whereas, by the "Towns Improvement Act (Ireland), 1854," Section Eighty-nine, it is enacted that the Lord Lieutenant may, on the Application of Town Commissioners of any Town, increase the Constabulary Force in such Town for the Purposes therein mentioned: And whereas it is just and expedient that the Expenses of such last-mentioned additional Constabulary should not be borne exclusively by the Rates of such Town: Be it therefore enacted, That in all Cases in which the Lord Lieutenant shall, on the Application of the Town Council or Commissioners of any Borough or Town having Power to levy a Rate or a Tax applicable to the Purpose of defraying the Amount chargeable on the Borough or Town in respect of the Expenses of a Police or Constabulary Force, add to the Constabulary Force in such Borough or Town, there shall be chargeable to such Borough or Town for each Sub-Inspector, Head and other Constable or Sub-Constable, the several and respective Sums mentioned in the said Act of the Eleventh and Twelfth Years of the Reign of Queen Victoria, Chapter Seventy-two, Section Four, together with the entire Amount of any extra Remuneration which the Lord Lieutenant may direct to be paid to the Sub-Inspector, Head or other Constables or Sub-Constables, in respect of the more onerous Nature of the Duties to be by them discharged, to be paid out of the Rates or General Assessment, upon the Certificate of the Receiver for the Constabulary Force in Ireland.

With regard to the Police Courts of the District of Dublin Metropolis, be it enacted as follows:

When Police Offices reduced

XV. Whenever the Number of Police Divisions in the District shall be reduced below *Three* the Lord Lieutenant may select from the

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the Justices then acting as such so many as may be required to discharge the Duties of the Police Courts, and supersede any other of them whose Services shall not be required, and in like Manner supersede any Clerk or Clerks previously attached to such Courts, provided that there shall not be less than *Two* Justices for each remaining Office; and the Lord Lieutenant may, with the Sanction of the Commissioners of the Treasury, increase the Salaries of such remaining Justices, and of the Justices to be thereafter appointed in their Stead, to such Sum by the Year as he shall direct, not exceeding in the whole the Sum of *Eight hundred Pounds* for each Justice, to be charged on the local Funds applicable to the Maintenance of the Police; and the said Lord Lieutenant may, with the Consent of the Commissioners of the Treasury, grant to every Justice or Clerk or other Person in any Police Office abolished or becoming unnecessary under this Act, and who shall not be re-appointed or employed in an Office of equal Value, such a Compensation or Allowance, chargeable on the said Funds, as under the Circumstances of each Case shall appear just: Provided that the Compensation and Allowance of any Justice so superseded or removed within *One Year* from the passing of this Act shall be calculated on the Amount of Salary payable at the Time of its passing.

Justices may be superseded.

Salary of Justices.

6 & 7 W. 4. c. 29. s. 3.

Compensation for Offices abolished.

XVI. The Salary to which the Recorder of the City of Dublin is entitled by virtue of his Office, or under any Act or Acts of Parliament, or otherwise, shall, from and after the *Day of One thousand eight hundred and fifty-nine*, be charged upon and payable out of the Borough Rates or Funds of the Borough of Dublin, and shall be paid to the said Recorder by the Treasurer of the Borough, by Two half-yearly Payments, on every Day of and Day of , and shall be a first and paramount Charge on the said Funds.

Recorder's Salary charged on Borough Rate.

XVII. And whereas by the "Dublin Amended Carriage Act, 1854," it is provided that there shall be paid in each Year to the Officer duly appointed for that Purpose for every Licence to be granted under the said Act for a Cart or Dray used or let to Hire within the Limits of the said Act the Sum of *Twelve Shillings*, and Doubts have arisen in respect of the said Provision: Be it therefore enacted, That the said Provision shall not be construed so as to require a Licence for or in respect of any Cart or Dray coming within the Police District of Dublin Metropolis from Parts of the Country situate beyond the said District.

Dublin Carriage Licences not to be imposed on Country Carts and Drays.

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SCHEDULE referred to in the foregoing Act.

SCHEDULE (A).

For the Police District of Dublin Metropolis.

Assistant Inspector General	*1*
County Inspector (to be called the City Inspector of Constabulary)	*1*
Sub-Inspectors	*2*
Head Constables	*31*
Constables and Sub-Constables	*400*
Surgeon or Assistant Surgeon	*1*
Apothecary	*1*

For the Borough of Belfast.

Sub-Inspector	*1*
Head Constables	*2*
Constables and Sub-Constables	*100*

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Police Force (Ireland).

A

BILL

To make better Provision for the Police Force in Dublin and other Towns in Ireland.

(*Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 13 *June* 1858.

[Bill 135]

Under 2 *os.*

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